IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

Bail Appl..No. 5673 of 2007()

CRIME NO.291/07 OF NADAKKAVU POLICE STATION
.....

PETITIONER/ACCUSED NO.2

NOUFAL C.,
S/O. HUSSAIN, AGED 25 YEARS,
NOORUL MUDA MANZIL, CHIRAKKAL, RAYIRAMANGALAM
AMSOM DESOM,MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:
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1. STATE OF KERALA,REPRESENTED
BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
NADAKKAVU POLICE STATION,
KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 5673 of 2007

Dated this the 20th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. He faces allegations, inter alia, under Sec.468 of the IPC. I am not referring to the allegations raised under other sections.

2. The crux of the allegations is that the petitioner along with the co-accused embarked on a dubious culpable venture to forge a Demand Draft issued by the bank and used the same as a genuine document. In pursuance of that conspiracy, a Demand Draft for Rs.100/- was purchased from a bank. Using the expertise and skill of the petitioner, an amount of Rs.100/- shown in the Demand Draft was altered to Rs.3 lakhs. Some of the accused went to a mobile phone dealer and asked for a quotation for 25 cell phones. That was given. The Demand Draft worth Rs.3 lakhs was given and 8 mobile phones were taken. When the shop keeper presented the Demand Draft on the next day, the fraud was revealed. The de facto complainant

made some enquiries and ultimately filed a complaint on 20/8/07. The mobile phones were taken away on 17/8/07.

3. While the investigation in that case was going on at the Nadakkavu Police Station, the Sub Inspector of Police, Changaramkulam, received discreet information that some miscreants were attempting to sell mobile phones within his jurisdiction. He reached the scene and apprehended the petitioner. Four mobile phones were available with him. The arrest was effected under Sec.41(1)(d) of the Cr.P.C. The petitioner/accused was interrogated . He received information which linked the accused with the crime that had taken place in the mobile shop in respect of which a crime had earlier been registered at the Nadakkavu Police Station, Kozhikode. The file was transferred to the Nadakkavu Police Station where the investigation is now continuing. Altogether, there are four accused persons, three of them have been arrested. One of them remains to be arrested.

4. It is the case of the prosecution that the petitioner, who had undergone the Engineering course for some length of time and discontinued later, is the master mind behind the very dubious, skilled and the organized crime committed.

Investigation is in progress. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He may now be enlarged on bail.

5. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the investigation is not complete and the petitioner is not, at any rate, entitled to be enlarged on bail at this stage. The Investigator may be given some further time in a serious crime like the instant one to complete the investigation before the principal accused is enlarged on bail.

6. I find merit in the opposition by the learned Public Prosecutor. The Case Diary has been placed before me for my perusal. I have gone through the same. It is unnecessary for me to advert to the facts in any greater detail in this order. Suffice it to say that I am satisfied that the opposition by the learned Public Prosecutor is justified.

7. I am, however, satisfied, considering the young age of the petitioner and the totality of the circumstances, that the petitioner can be directed to be released on bail, after giving the Investigator reasonable further time to complete the investigation.

8. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 3/10/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays, Wednesdays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge